

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID HOWARD,	:	
	:	
Plaintiff,	:	C.A. No. 02-3797
	:	
v.	:	
	:	
UNITED STATES POSTAL SERVICE,	:	
	:	
Defendant.	:	

ORDER

Upon consideration of the Motion for an Enlargement of Time of defendant United States Postal Service, and the response thereto of plaintiff David Howard, if any, it is ORDERED that defendant's motion is GRANTED and defendant shall have up to and including June 24, 2005 to file a motion for summary judgment or other dispositive motion,

This _____ day of May, 2005.

U.S.D.J.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

DAVID HOWARD,	:	
	:	
Plaintiff,	:	C.A. No. 02-3797
	:	
v.	:	
	:	
UNITED STATES POSTAL SERVICE,	:	
	:	
Defendant.	:	

**DEFENDANT’S MOTION FOR AN ENLARGEMENT OF TIME
AND INCORPORATED MEMORANDUM OF LAW**

Defendant United States Postal Service moves for an enlargement of time until June 24, 2005, to file a motion for summary judgment or other dispositive motion in this case. This Court had set May 21, 2005, which was on a Saturday, as the deadline for such motions. Defendant files this motion on the next business day.

Defendant seeks this additional time because it has not yet received all the outstanding discovery in this matter. The deposition transcript of Felicia Adamski, the labor relations representative of the Postal Service who interacted with plaintiff Howard’s union representation, has not yet been provided by the court reporter. Due to scheduling difficulties, Ms. Adamski, who is a significant witness for the defendant regarding the actions of the union and defendant’s obligations under the collective bargaining agreement, could not be deposed until May 10, 2005, and her deposition transcript has not yet been delivered to the parties. In addition, plaintiff David Howard has not responded to Defendant’s Request for Production for Documents that was due no later than April 30, 2005. Counsel for the plaintiff advises that plaintiff’s discovery responses will be provided in the next few days.

This case presents significant issues for summary judgment. Among those issues, defendant contends that plaintiff cannot demonstrate that he suffers from a major life disability as required for a violation of his Rehabilitation Act claim. Further, defendant will not be able to demonstrate that the collective bargaining agreement of the mail handlers craft with the United States Postal Service was violated by either the defendant or plaintiff's union. As defendant previously briefed to the Court, plaintiff must show that both the union and the Postal Service violated the collective bargaining agreement to bring an action in this Court.

Because of the significance of these issues and the outstanding discovery necessary to address these issues, the United States Postal Service respectfully requests the Court to grant its motion seeking an enlargement of time until June 24, 2005, to respond file a summary judgment motion or other dispositive motion.

Counsel for defendant contacted counsel for plaintiff regarding this request, and counsel for plaintiff declined to consent to the enlargement of time.

Respectfully submitted,

PATRICK L. MEEHAN
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CERTIFICATE OF SERVICE

I, Barbara Rowland, hereby certify that on the _____ day of May, 2005, I caused a true copy of the foregoing Defendant's Motion for an Enlargement of Time and Incorporated Memorandum of Law to be forwarded by first class mail, postage prepaid, to:

James J. Munnis, Esq.
882 S. Matlack Street
Suite 101
West Chester, PA 19382

Barbara Rowland